

interest in the Property owned in common which shall appertain to each Townhome Owner shall be the percentage of undivided interest previously owned by such Owner in the General and Limited Common Elements, (3) any liens affecting any of the Townhomes shall be deemed to be transferred in accordance with the existing priorities to the percentage of undivided interest of the Townhome Owner in the Property, and (4) the Property shall be subject to an action for partition at the suit of any Townhome Owner in which event the net proceeds of sale shall be paid to the Board. Said net proceeds of sale, together with the net proceeds of the insurance on the Property, shall be considered as one fund which, after paying all expenses of the Board, shall be divided among all of the Townhome Owners in a percentage equal to the percentage of undivided interest owned by each Owner in the Property, after first paying out of the respective share of the Townhome Owners, to the extent sufficient for the purpose, all liens on the undivided interest in the Property owned by each Townhome Owner.

Section 5. Repair and Reconstruction.

(a) If the damage or destruction for which the insurance proceeds are to be paid to the Board is to be repaired or reconstructed and such proceeds are not sufficient to defray the cost thereof, the Board shall levy a Special Assessment against all Owners of the damaged Townhomes in proportion to their respective undivided interest in the Property, and against all Owners or to the Owners of the Townhomes in the appropriate Building(s) in the case of damage to the General and Limited Common Elements, in sufficient amounts to provide funds to pay such excess cost of repair or reconstruction. Additional Assessments may be made in like manner at any time during or following the completion of any repair or reconstruction. In the event any such Owners shall refuse to pay their Special Assessments, then so long as those who refuse to pay shall constitute a minority of the total number of Owners affected by such damage, then the majority may proceed with the reconstruction at the expense of all such Owners, including the dissenting minority, and the Special Assessment hereinabove referred to shall be treated as a lien on the Townhome of any Owner who refuses to pay. In such event, the majority may proceed

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